

UNITED STATES DISTRICT COURT

for the

Western District of Texas

2012 JAN 18 PM 4:38

United States of America

v.

ROBERT J. RAMOS, JR.

Case No.

A 12-m-39

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2011 through November 2011 in the county of Travis in the
 Western District of Texas, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|-------------------------------|--|
| 18 U.S.C. §§ 2251 & 2 | Sexual Exploitation of Minors / Production of Child Pornography |
| 18 U.S.C. §§ 2252, 2252A, & 2 | Distribution, Transmission, Receipt, and Possession of Child Pornography |

This criminal complaint is based on these facts:

See attached Affidavit.

Continued on the attached sheet.



Complainant's signature

JACOB E. BAILLIE, Special Agent, FBI
 Printed name and title

Sworn to before me and signed in my presence.

Date: 1/18/2012

City and state: Austin, Texas



Andrew W. Austin
 Judge's signature
 United States Magistrate Judge
 Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

2012 JAN 18 PM 4:38

SEALED

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT J. RAMOS JR.,

Defendant.

CRIMINAL NO. H 12-M-31

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jacob E. Baillie, being duly sworn, depose and state as follows:

1. I make this affidavit in support of a criminal complaint against ROBERT J. RAMOS JR., year of birth 1979, for violations of Title 18, United States Code, Section 2251(a) (Sexual Exploitation of Children) and Title 18, United States Code, Sections 2252 and 2252A (Distribution, Receipt, Transportation, and Possession of Child Pornography).

2. I have been employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI) since September 2004. I am currently assigned to the Austin Resident Agency of the San Antonio Division, Texas. Through formal and on the job training, I am experienced in Crimes Against Children investigations. While employed by the FBI I have investigated federal criminal violations related to high technology or cyber crime, sexual exploitation of children, and child pornography. Through formal and on the job training, I am experienced in crimes involving the sexual exploitation of children. As a Federal Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

* I have participated in the execution of numerous search warrants for documents and other evidence, including computers and electronic media, in cases involving child pornography and the sexual exploitation of children.

3. At all times in this affidavit the phrase "child pornography" is used solely as shorthand for visual depictions of actual minors engaged in sexually explicit conduct, as these terms are defined in Title 18, United States Code, Section 2256.

4. This affidavit is based on my personal knowledge as well as reports made by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of the complaint, it does not contain every fact known to me or other agents of the Federal Bureau of Investigation.

STATUTORY AUTHORITY

5. Title 18, United States Code, Section 2251(a) states, in relevant part:

Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

6. Title 18, United States Code, Section 2252 states, in relevant part:

- (a) Any person who—
 - (1) knowingly transports or ships using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mails, any visual depiction, if—
 - (A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and
 - (B) such visual depiction is of such conduct;
 - (4) either—
 - (B) knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if—
 - (i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and
 - (ii) such visual depiction is of such conduct; shall be punished as provided in subsection (b) of this section.

7. Title 18, United States Code, Section 2252A states, in relevant part:

- (a) Any person who—
 - (1) knowingly mails, or transports or ships using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, any child pornography;
 - (2) knowingly receives or distributes—
 - (A) any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; or
 - (B) any material that contains child pornography that has been mailed, or using any means or facility or interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce

by any means, including by computer;

- (3) knowingly—
 - (A) reproduces any child pornography for distribution through the mails, or using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer; or
 - (B) advertises, promotes, presents, distributes, or solicits through the mails, or using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains—
 - (i) an obscene visual depiction of a minor engaging in sexually explicit conduct; or
 - (ii) a visual depiction of an actual minor engaging in sexually explicit conduct;
- (5) either—
 - (A) knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including computer;
- (6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—
 - (A) that has been mailed, shipped, or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer;
 - (B) that was produced using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any

means, including by computer; or

- (C) which distribution, offer, sending, or provision is accomplished using the mails or any means or facility of interstate or foreign commerce, for purposes of inducing or persuading a minor to participate in any activity that is illegal; shall be punished as provided in subsection (b).

FACTS

8. On or about November 16, 2011, pursuant to search warrants issued by this court on November 15, 2011 (Cause Numbers 1:11-M-883 and 1:11-M-884), the FBI and other law enforcement searched the residence and vehicle of ROBERT J. RAMOS, JR. in Austin, Texas, for materials related to the sexual exploitation of minors. Multiple computers and electronic storage devices were seized during the search. Prior to the date of the search, investigation by the FBI had determined that RAMOS had set up and utilized fake accounts on the online social networking website Facebook (www.facebook.com) to solicit minors to create and/or send nude photos or videos to him. To date, RAMOS has been linked to at least seven different Facebook accounts. More particularly, both of the Facebook accounts discussed below, bearing usernames "EMILY ELAINE LANG" and "LANIE LANG," were logged into between June 2011 and October 2011 from a static (i.e., unchanging) IP address that the investigation revealed was assigned to RAMOS at his home address in Austin, TX, from May 25, 2011 through October 2011.

9. RAMOS was voluntarily interviewed by FBI agents on November 16, 2011. Among other things, RAMOS stated the following:

- a. RAMOS voluntarily admitted that he had knowingly solicited minors that he knew to be between thirteen (13) and sixteen (16) years of age to create for and/or send to him nude photos and/or videos of themselves engaging in sexually explicit conduct and constituting

child pornography and send them to him via Facebook and Yahoo! Instant Messenger, a computer program that allows users to communicate over the Internet in real time. One of these minors was JANE DOE #1 ("JD1")¹, a 14 year old female who RAMOS admitted he had met on Facebook while he was using a fake Facebook account in which he pretended to be a young teenage girl like JD1. RAMOS admitted to creating and using the fake Facebook accounts bearing the alias names "LANIE LANG" and "EMILY ELAINE LANG," among others.

b. RAMOS stated that he targeted certain Facebook profiles to become his Facebook friends based on the following criteria: "did I want to see them naked, might they be bisexual, and might they take pictures of themselves."

c. On several occasions, RAMOS admitted he e-mailed the photos and/or videos constituting child pornography that he received from minors to other people.

d. RAMOS stated that there was child pornography on his grey iMac computer and his desktop PC that were located in his residence. RAMOS stated that he had never sexually assaulted a minor and did not have any information regarding anyone else who may be involved in the sexual assault of a minor or child pornography. At no time did RAMOS mention to law enforcement the existence of "CO-CONSPIRATOR #1" (CC1), discussed below, or any activities of CC1.

e. At the conclusion of the interview, RAMOS provided the following handwritten signed statement (taken verbatim):

MY name is Robert Ramos, Jr. I solicited females on Facebook to send nude Photos some of which were underage. I have never had sexual contact with a minor and I am not a threat to anyone. What I have done was stupid and not worth anything. I am very sorry and I have made some terrible mistakes.

¹ JD1 is a minor whose identity is known to your Affiant.

10. On or about November 23, 2011, JD1 was interviewed by the FBI. JD1 advised that she had e-mail, texting, and Facebook contact with the Facebook users known as "LANIE LANG" and "EMILY ELAINE LANG". JD1 stated that she understood "EMILY ELAINE LANG" and "LANIE LANG" to be the same Facebook user. As noted above, both "LANIE LANG" and "EMILY ELAINE LANG" were identified by the FBI as two of RAMOS' fake Facebook accounts. JD1 believed that both "LANIE LANG" and "EMILY ELAINE LANG" were young teenage females just like her. On at least one occasion, "LANIE LANG" (a.k.a. RAMOS) sent JD1 images of child pornography via a Yahoo! e-mail account (which is known to Your Affiant), claiming it would be something she would like.

11. During the interview, JD1 was shown twelve (12) nude/semi-nude photos of an unidentified female which were found within a Yahoo! e-mail account that, according to Facebook records, was the e-mail account associated with RAMOS' "LANIE LANG" Facebook account. JD1 identified all the photos as being herself. Specifically, the visual depictions included, but were not limited to, one or more of the following images of child pornography:

| File Name | Description |
|------------------|---|
| Photo143K.jpg | This image depicts a female engaging in the lascivious exhibition of the genitals. Specifically, two fingers are spreading the labia apart further exposing the vagina. |
| Photo016B.jpg | This image depicts a female engaging in the lascivious exhibition of the genitals and digital penetration. Specifically, a finger is being inserted into the vagina. |

JD1 stated that she took the photos after she was asked to do so by "LANIE LANG" (a.k.a. RAMOS). JD1 recalled that "LANIE LANG" (a.k.a. RAMOS) had specifically asked DOE to take photos in certain poses, and/or with certain articles of clothing on. JD1 took the

nude/semi-nude photos with her cellular telephone camera and then sent them between May 2011 and July 2011 to “LANIE LANG” (a.k.a. RAMOS) via e-mail to a Yahoo! e-mail account which according to Facebook records was the e-mail address associated with the “LANIE LANG” Facebook account. That e-mail account has been linked via IP address data to the Internet connection at RAMOS’s residence.

12. On or about December 6, 2011, the investigation identified the following Facebook message exchanges between JD1 and “EMILY ELAINE LANG” (a.k.a. RAMOS). In the messages, RAMOS refers by name to CO-CONSPIRATOR 1 (“CC1”)², who has been identified by law enforcement as a female who was sexually abusing JANE DOE #2 (“JD2”)³, a five (5) year old female child (spelling and syntax in original):

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:56:30 UTC
Body are you interested in getting to know [CC1]?

Recipients Emily Elaine Lang
Author [JANE DOE #1]
Sent 2011-10-09 02:56:35 UTC
Body sure

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:56:38 UTC
Body ok

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:56:41 UTC
Body she is really sweet

² The identity of CC1 is known to your Affiant. CC1 is the subject of an ongoing FBI investigation.

³ JD2 is a minor and her identity is known to your Affiant.

Recipients Emily Elaine Lang
Author [JANE DOE #1]
Sent 2011-10-09 02:56:47 UTC
Body cool

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:56:53 UTC
Body i wish u had a webcam though, she is awesome to webcam with

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:56:55 UTC
Body i borrowed my friends

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:57:02 UTC
Body and me and her had a great time

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:57:03 UTC
Body on cam

Recipients Emily Elaine Lang
Author [JANE DOE #1]
Sent 2011-10-09 02:57:15 UTC
Body nice

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:57:20 UTC
Body her pussy gets soooo wet

Recipients Emily Elaine Lang
Author [JANE DOE #1]
Sent 2011-10-09 02:57:37 UTC
Body wow

Recipients Emily Elaine Lang
Author [JANE DOE #1]
Sent 2011-10-09 02:57:38 UTC
Body nice

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:57:44 UTC
Body ya

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:57:53 UTC
Body and [JD2] has a cute little ass

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:57:58 UTC
Body while [JD2] was sleeping

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:58:03 UTC
Body she fingered her pussy right next to her

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:58:11 UTC
Body then she would take her pussy cum and rub it on [JD2's] pussy

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:58:27 UTC
Body it was hot

Recipients Emily Elaine Lang
Author [JANE DOE #1]
Sent 2011-10-09 02:58:37 UTC
Body lol

Recipients Emily Elaine Lang
Author [JANE DOE #1]
Sent 2011-10-09 02:58:40 UTC
Body nice

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:58:53 UTC
Body do u mind if she does it with young girls?

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:58:56 UTC
Body she is kinda into it

Recipients Emily Elaine Lang
Author [JANE DOE #1]
Sent 2011-10-09 02:59:43 UTC
Body Well, idk..

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:59:50 UTC
Body if u have a prob with it

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:59:52 UTC
Body best to let me know now

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 02:59:54 UTC
Body lol

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 03:00:00 UTC
Body i dont want u feeling bad for anyone

Recipients Emily Elaine Lang
Author [JANE DOE #1]
Sent 2011-10-09 03:00:00 UTC
Body I sort of do

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 03:00:10 UTC
Body i understand

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 03:00:16 UTC
Body dont worry

Recipients Emily Elaine Lang
Author [JANE DOE #1]
Sent 2011-10-09 03:00:23 UTC
Body But thats just because the girl is so young and doenst know

Recipients [JANE DOE #1]
Author Emily Elaine Lang
Sent 2011-10-09 03:00:23 UTC
Body i will keep her away from you

13. The following are several Facebook message exchanges between "EMILY ELAINE LANG" (a.k.a. RAMOS) and CC1:

Recipients [CC1]
Author Emily Elaine Lang
Sent 2011-09-27 04:53:42 UTC
Body wow

Recipients [CC1]
Author Emily Elaine Lang
Sent 2011-09-27 04:53:46 UTC
Body i got the pics

Recipients [CC1]

Author Emily Elaine Lang
Sent 2011-09-27 04:53:47 UTC
Body amazing

Recipients Emily Elaine Lang

Author [CC1]
Sent 2011-09-27 04:54:46 UTC
Body i know. thats why i love touching her lol

Recipients [CC1]

Author Emily Elaine Lang
Sent 2011-09-27 04:54:52 UTC
Body mm

Recipients [CC1]

Author Emily Elaine Lang
Sent 2011-09-27 04:54:57 UTC
Body did u see what i wrote

Recipients [CC1]

Author Emily Elaine Lang
Sent 2011-09-27 04:54:59 UTC
Body about her asshole

Recipients Emily Elaine Lang

Author [CC1]
Sent 2011-09-27 04:55:05 UTC
Body i got your last skype message...

Recipients [CC1]

Author Emily Elaine Lang
Sent 2011-09-27 04:55:19 UTC
Body what do u think?

Recipients [CC1]

Author Emily Elaine Lang
Sent 2011-09-27 04:55:21 UTC
Body worth a try?

Recipients Emily Elaine Lang

Author [CC1]
Sent 2011-09-27 04:55:32 UTC
Body i have tried to give her stuff before. i gave her xanax. but i was terrified of giving her too much so i gave her just crumbs and it didnt do anything.
[12:32:38 AM] [CC1]: ive fucked her ass with my toys before. she barely woke up.
lanie lang

Recipients Emily Elaine Lang

Author [CC1]

Sent 2011-09-27 04:55:55 UTC

Body sorry icopied that from skype

Recipients [CC1]

Author Emily Elaine Lang

Sent 2011-09-27 04:55:58 UTC

Body thots hot

Recipients Emily Elaine Lang

Author [CC1]

Sent 2011-09-27 04:56:01 UTC

Body it coppied weird

Recipients Emily Elaine Lang

Author [CC1]

Sent 2011-09-27 04:56:07 UTC

Body but yeah.... ive tried

Recipients [CC1]

Author Emily Elaine Lang

Sent 2011-09-27 04:56:12 UTC

Body u must have been soo wet

Recipients [CC1]

Author Emily Elaine Lang

Sent 2011-09-27 04:56:15 UTC

Body fucking her ass

Recipients Emily Elaine Lang

Author [CC1]

Sent 2011-09-27 04:56:38 UTC

Body oh my god. more than ive ever been. it was maybe the hardest time ive ever cum

14. On or about December 13, 2011, FBI agents conducted an interview of CC1 in New Jersey, where CC1 resides. During that interview, CC1 told the FBI that she had performed oral sex on JD2 on two occasions in August or September 2011 in New Jersey. CC1 stated that she did this while she was babysitting JD2. CC1 further told the FBI that CC1 streamed live video of one of these sexual acts to “ROBERT”, a man she believed lived in Arizona and to one other individual. CC1 told the FBI she used Skype, a company that provides video chat services over the Internet, to stream her conduct to “ROBERT” and to the other individual. CC1 further told the FBI that she made a video recording of the other of these sexual acts using her iPhone and that she e-mailed this

video to "ROBERT" and to one other individual.

15. On or about December 21, 2011, an initial examination of the computer evidence found in RAMOS' apartment by the FBI revealed approximately 10 video files capturing the sexual assault of JD2 by CC1. Specifically, the visual depictions included, but were not limited to, one or more of the following videos of child pornography:

| File Name | Description |
|------------------|---|
| 00000064.mp4.mpg | <p>This video is 4 minutes and 9 seconds in duration and depicts a prepubescent girl who appears to be between 4 and 6 years of age, lying on her stomach on a bed. She appears to be asleep. She is wearing only a shirt and her bare buttocks are exposed. An adult female is kneeling on the floor alongside the bed. The adult female is wearing a lace top with her breasts exposed, is not wearing pants, and her vagina is exposed. Standing, the adult female spreads the buttocks' cheeks of the girl and begins licking between the buttocks' cheeks and around the anus area. The adult female then uses her hand to rub the buttocks of the girl. The adult female then moves onto the bed and continues to lick the anus area and kiss the buttocks' cheeks of the girl. The adult female uses her right hand and begins touching her own vagina. The adult female touches her breasts and then touches the girl's buttocks. The adult female then rolls the girl over onto her back and the girl's bare vagina is exposed.</p> <p>There is no audio, however, it appears that the adult female is talking and laughing during the video and it appears that the adult female is talking to another person over the Internet via a webcam.</p> |
| 00000069.mp4.mpg | <p>This video is 4 minutes and 19 seconds in duration and depicts a prepubescent girl who appears to be between 4 and 6 years of age, lying on a bed. She appears to be asleep. She is wearing a shirt and her bare buttocks are exposed. An adult female is sitting next to her. The adult female uses her right hand to rub the buttocks and anus area of the girl. The adult female uses her right middle finger and rubs from the girl's anus to the girl's vaginal area. The adult female then appears to lick the girl's anus and vaginal area. The adult female then rubs the girl's buttocks with her hand. The adult puts her mouth in the anus and vaginal area of the girl again and then licks and kisses the buttocks' cheeks of the girl. There is</p> |

| | |
|-----------------|--|
| | no audio. |
| IMG_1173(1).mov | This 54-second video depicts a prepubescent girl who appears to be between 4 and 6 years of age, in the bathtub. An adult female is bathing her. At one point the adult female tells the girl to "lean over sweetheart so I can rinse you." The girl says "like a mermaid?" and the adult responds "like a mermaid sweetheart." The girl then lies on her stomach in the tub and the adult female begins to rub the buttocks and anus area of the little girl. The adult female then spreads the little girl's legs and it appears the adult is inserting her middle finger into the vaginal area of the girl. |

16. An FBI forensic examiner reported that the files 00000064.mp4.mpg and 00000069.mp4.mpg were saved on RAMOS' computer on or about October 2, 2011. These two videos appear to be two video recordings made from a single video chat session with CC1.

17. An FBI forensic examiner reported that the file IMG_1173(1).mov was created using an iPhone and was saved on RAMOS' computer on or about November 5, 2011.

18. An FBI Special Agent who has personally interacted with CC1 and JD2 has reviewed the above videos and informed me that they depict CC1 sexually abusing JD2.

CONCLUSION

19. Based on the foregoing, there is probable cause to believe that ROBERT J. RAMOS JR. has committed the offenses set forth in the attached Criminal Complaint.

FURTHER AFFIANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

JACOB E. BAILLIE

JACOB E. BAILLIE
Special Agent
Federal Bureau of Investigation
Austin, Texas

Subscribed and sworn to before me at Austin, Texas, on this 18th day of January, 2012.

Karen L. Bushin

UNITED STATES MAGISTRATE JUDGE